

BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Amendment of Section 73.202(b))

FM Table of Allotments)

(Bude, Mississippi))

RM _____

TO: Chief, Policy and Rules Division

PETITION FOR RULEMAKING/COUNTERPROPOSAL

Douglas B. DeLawder, a resident of Clinton, Maryland ("Petitioner"), by his attorney and pursuant to Section 1.420(d) of the Commission's Rules and Regulations, hereby requests that the Commission amend Rule 73.202(b), the FM Table of Allotments, to add Channel 282C3 at Bude, Mississippi.

The allocation requested herein conflicts with the proposed allocation of Channel 282A to Hazlehurst, Mississippi (RM 84-15; MM Docket No. 94-2). This petition should be treated as a counterproposal in the Hazlehurst proceeding.

The following information is submitted in support of this proposal.

1. The attached Technical Statement demonstrates that an allotment of Channel 282C3 to Bude would be consistent with the

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minimum separation requirements to all existing FM stations if the site is restricted to an area approximately twelve kilometers northeast of Bude. Moreover, such an allocation would be consistent with the minimum separation requirements applicable to all pending allocation proposals except for the proposed allocation of Channel 282A to Hazlehurst.

2. As depicted in Figure 1 of the attached Technical Statement, a Class C3 station operating on the proposed allocation would have a permissible site area of some 31 square kilometers. The usable area is generally rural and local authorities have advised that local laws and regulations do not place onerous restrictions on antenna towers in the permissible site area. Consequently, any applicant for this allocation should be readily able to find a suitable transmitter site which will enable it to meet all minimum separation requirements while providing predicted 70 dBu service to the entire Town of Bude as required by Rule 73.315(a).

3. The Town of Bude was formally organized in 1914. It is located in Franklin County in southern Mississippi. It had a population of 969 in 1990.

4. The Town is governed by a Mayor and Board of Aldermen. Its municipal services include police and fire protection, as well as sewer and water services. The Franklin County School

System serves residents of Bude. The County's only elementary school is located in Bude. The Town is served by the Bude Medical Clinic.

5. The principal employers in Bude are Magnolia Garment, approximately 200 employees (clothing manufacturing); Shipper's Car Line, approximately 200 employees (railroad car repair); Franklin Timber, approximately 100 employees (sawmill); and a number of retail establishments, including a large grocery store, two drug stores and several convenience shops.

6. At the present time, there are no commercial AM, FM or TV broadcast stations licensed to any community in Franklin County. (The Mississippi Authority for Educational Television operates Station WMAU-FM, Bude.)

7. Allotment of Channel 282A to Bude would provide residents of this community and the balance of Franklin County their first local commercial broadcast service. The provision of such first local service to as many communities as possible is one of the Commission's important public policy objectives, Second Report and Order, MM Docket No. 80-130, 90 FCC 2d 88 (1982).

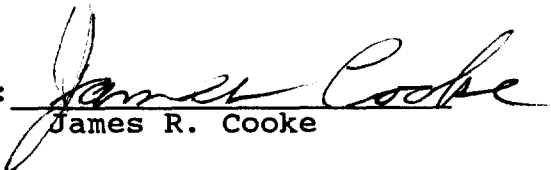
8. Petitioner thus submits that the allotment of Channel 282A to Bude would serve the public interest and therefore

requests that the Commission modify its FM allotments as requested herein.

9. If the channel is allotted to Bude, Petitioner will immediately file an application seeking authority to construct and operate a station on the new channel and will proceed promptly with construction if a construction permit is issued to him.

Respectfully submitted,

DOUGLAS B. DeLAWDER

By: 
James R. Cooke

Harris Beach & Wilcox
Suite 210
1200 Eighteenth Street, N.W.
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(202) 861-0001

His Attorney

April 1, 1994

Bude, Mississippi

TECHNICAL STATEMENT

This technical statement and its associated exhibits have been prepared by Douglas B. DeLawder (petitioner) in support of a counterproposal to a Notice of Proposed Rule Making in which the FCC has proposed the allocation of channel 282A to Hazlehurst, Mississippi (RM-8415, MM Docket No. 94-2).

This counterproposal requests the amendment of the FM Table of Allotments [47 CFR 73.202(b)] by adding channel 282C3 at Bude, Mississippi as the city's first aural broadcast service. In fact, it will provide Franklin County with its first local radio service. The population of Bude is 969 and the population of Franklin County is 8,377.

The allotment cannot use the center of Bude as a reference point. However, Table 1 demonstrates that the required separations specified in Section 73.207 (b) of the FCC Rules are met for a reference point approximately 12 kilometers northeast of Bude. Graph 1 illustrates the site selection area defined by the pertinent separations tabulated on Table 1. Figure 1 is a map which depicts the site selection area in relation to Bude. The 70 dBu contour is expected to extend approximately 24 kilometers in distance. Thus, from inspection of Figure 1 it can be seen that an adequate site selection area exists for the use of channel 282C3 as a Bude allotment.

Table 2 provides information on the coverage area of a class C3 facility located at the assumed site. It has been determined that the assumed operation will cover an area of approximately 4773 square kilometers which contains a population of 49,752 people.

Douglas DeLawder

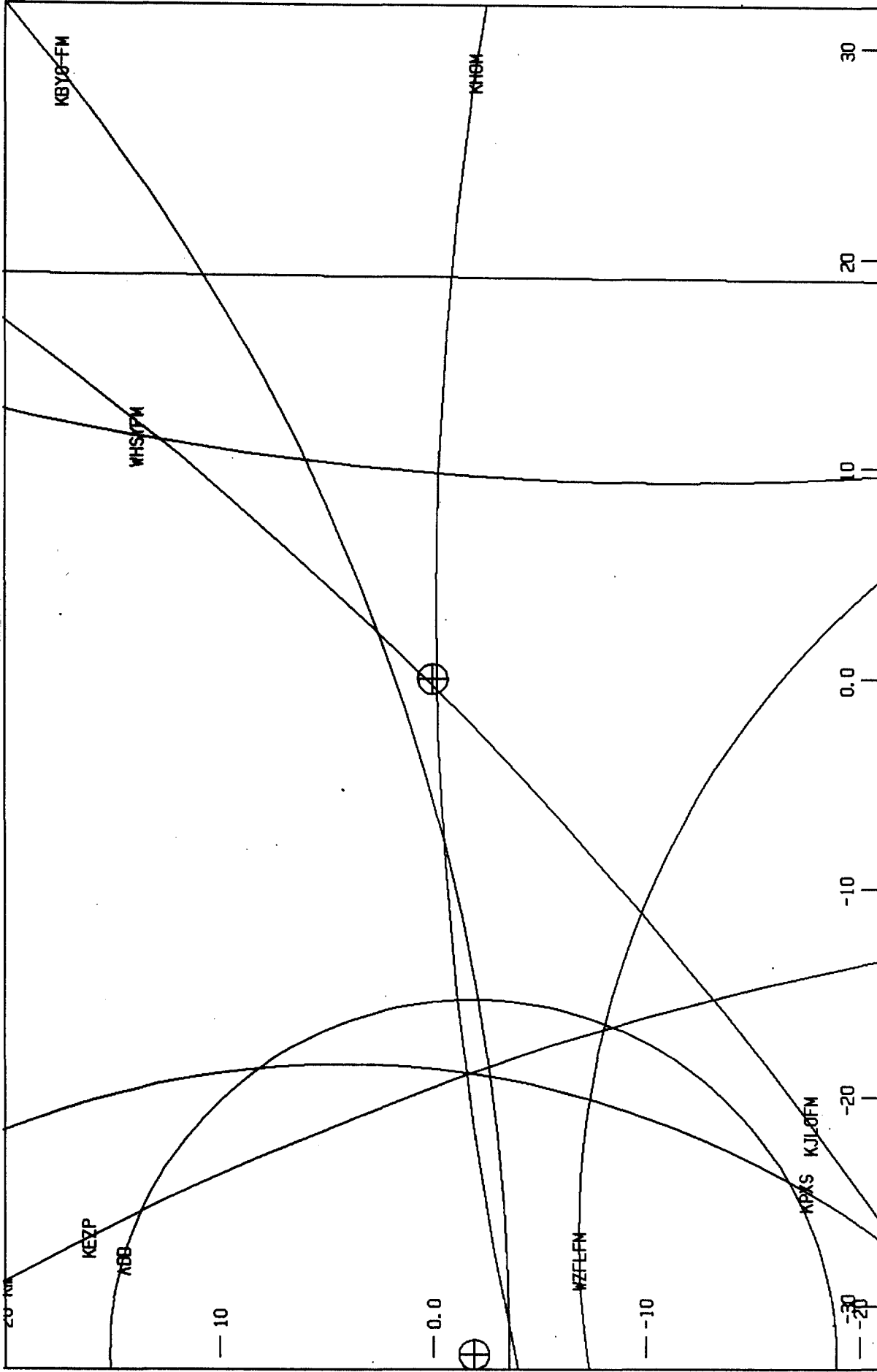
Table: 1
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Study Name : BUDE, MS
Channel : 282C3
Coordinates : N 31 32 33.0 W 90 45 36.0
Separations : FM Zone 2 - Commercial

Call	City	&	State	Stat	File - number	Chan	ERP	HAAT	Zn	Latitude	Longitude	Bear	Dist	Req'd	Clear	Notes
--- kilometers ---																
KKRP	Delhi		LA	LIC	BLH 910916KA	228A	6.00	328	1	32 27 45.0	91 33 13.0	324.0	126.61	12.0	114.61	
WHJT	Clinton		MS	LIC	BLH 900226KG	228A	3.00	328	1	32 20 15.0	90 19 47.0	24.6	97.09	12.0	85.09	
KDEA	New Iberia		LA	APP	BPH 921221IG	229C1	90.0	1033	2	30 20 12.0	91 31 19.0	208.7	152.23	24.0	128.23	
	New Iberia		LA	ALC		229C1		0	2	30 20 .0	91 32 .0	208.9	153.08	24.0	129.08	
WHER	Hattiesburg		MS	LIC	BLH 860609KD	279C	100	1056	2	31 31 37.0	89 8 7.0	90.2	154.31	96.0	58.31	
KHOM	Houma		LA	LIC	BLH 880224KB	281C	100	1945	2	29 57 13.0	90 43 25.0	178.9	176.18	176.0	.18	CLOSE
KJLOFM	Monroe		LA	LIC	BLH 880812KE	281C	97.0	1017	2	32 39 36.0	92 5 15.0	315.2	176.23	176.0	.23	CLOSE
NEW	Union		MS	APP	BPH 890424MD!	281C2	50.0	492	2	32 30 54.0	89 5 50.0	55.0	190.53	117.0	73.53	
NEW	Union		MS	APP	BPH 890424MC!	281C2	50.0	492	2	32 30 17.0	89 7 3.0	54.9	188.31	117.0	71.31	
NEW	Union		MS	APP	BPH 890424MF!	281C2	50.0	492	2	32 31 32.0	89 8 46.0	53.9	187.41	117.0	70.41	
NEW	Union		MS	APP	BPH 890424ME!	281C2	50.0	492	2	32 30 47.0	89 4 37.0	55.3	191.99	117.0	74.99	
	Union		MS	ALC		281C2		0	2	32 32 1.0	89 8 26.0	53.7	188.35	117.0	71.35	
KEZP	Bunkie		LA	LIC	BLH 910930KE	282C3	18.0	383	2	31 5 14.0	92 21 34.0	252.0	160.40	153.0	7.40	CLOSE
WGNL	Greenwood		MS	CP	BPH 861020SZ	282A	3.00	311	1	33 31 30.0	90 9 52.0	14.1	226.85	142.0	84.85	
WGNL	Greenwood		MS	CP	BPH 901210IE	282C3	25.0	328	2	33 21 56.0	90 14 59.0	13.2	207.78	153.0	54.78	
WGNL	Greenwood		MS	APP	BMPH 920908IJ	282C3	25.0	328	2	33 31 30.0	90 9 52.0	14.1	226.85	153.0	73.85	
WGNL	Greenwood		MS	APP	BPH 930903IF	282C2	50.0	492	2	33 31 30.0	90 9 52.0	14.1	226.85	177.0	49.85	
	Greenwood		MS	ALC		282C2		0	2	33 28 50.0	90 9 35.0	14.5	222.19	177.0	45.19	
	Hazlehurst		MS	ADD	RM 8415	282A		0	1	31 45 57.0	90 29 35.0	45.4	35.42	142.0	-106.58	SHORT
KBYOFM	Tallulah		LA	CP	BPH 911231IH	283C3	25.0	311	2	32 24 8.0	91 6 8.0	341.4	100.67	99.0	1.67	CLOSE
WHSYFM	Hattiesburg		MS	LIC	BLH 840523CP	283C1	100	439	2	31 25 50.0	89 8 51.0	94.2	153.72	144.0	9.72	CLOSE
KPKS	Vidalia		LA	CPM	BMPH 930317IE	284A	3.00	265	1	31 34 44.0	91 23 47.0	274.0	60.56	42.0	18.56	
KNEKFM	Washington		LA	LIC	BLH 890920KD	284A	3.00	288	1	30 35 19.0	92 1 35.0	229.0	160.60	42.0	118.60	
KKAYFM	Donaldsonville		LA	LIC	BLH 5710	285A	3.00	298	1	30 5 57.0	91 0 13.0	188.3	161.70	42.0	119.70	
KGZC	Folsom		LA	CP	BPH 890119MD	285A	3.00	328	1	30 38 28.0	90 4 28.0	146.7	119.44	42.0	77.44	
KGZC	Folsom		LA	APP	BMPH 921207IE	285A	6.00	328	1	30 39 53.0	90 4 56.0	146.4	116.84	42.0	74.84	
KBYOFM	Tallulah		LA	LIC	BLH 830510AA	285A	3.00	298	1	32 25 38.0	91 13 15.0	336.3	107.33	42.0	65.33	
WZFLFM	Centreville		MS	LIC	BLH 7629	285A	3.00	298	1	31 6 7.0	91 2 27.0	208.6	55.68	42.0	13.68	CLOSE

End of Study

BUDE, MISSISSIPPI



Coordinates - Active : 31° 32' 33.0" 90° 45' 36.0"

Channel : 282C3

Date : March 29, 1994

GRAPH 1

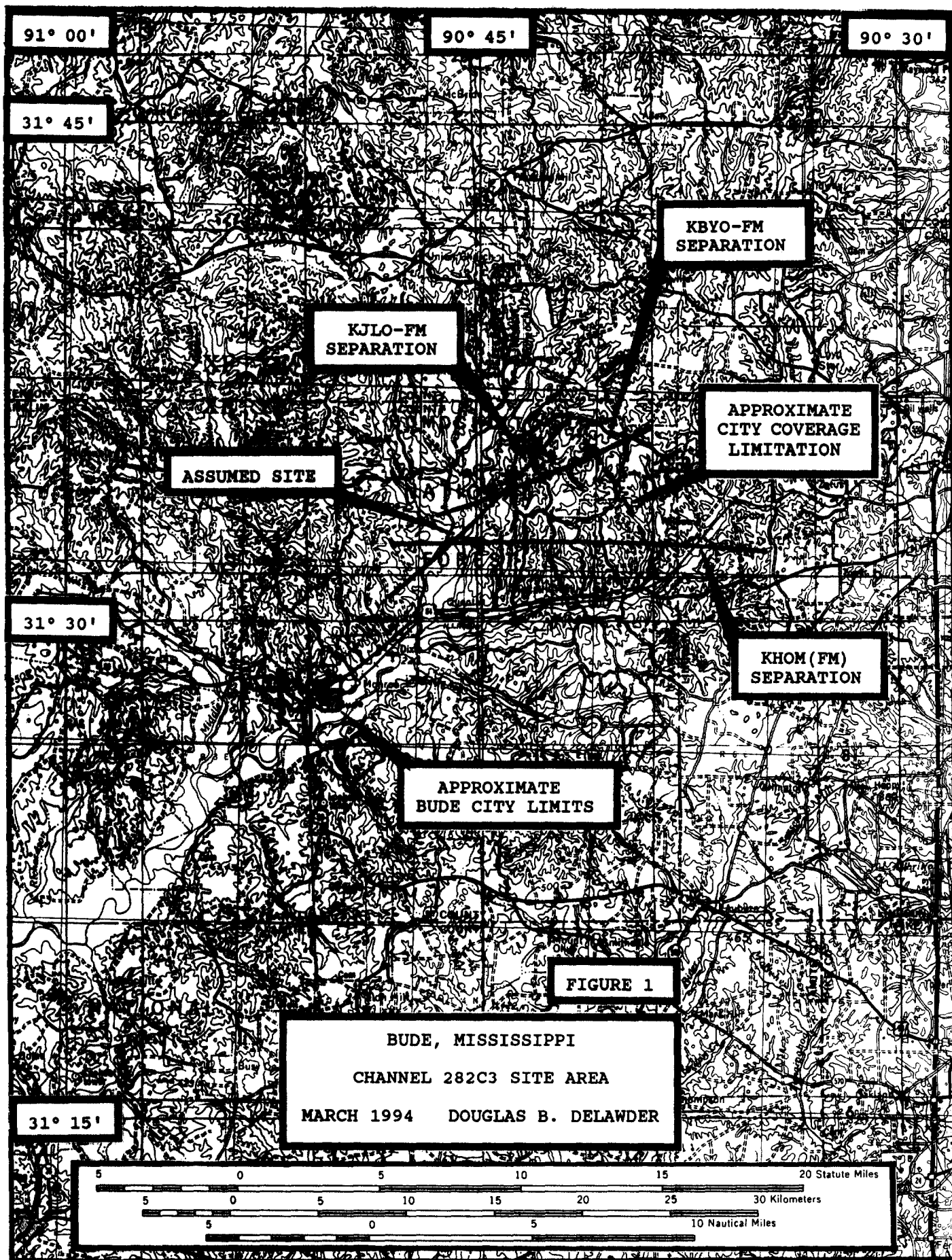


TABLE 2

FM f(50-50)

Project ID : BUDE, MISSISSIPPI

Site ID : ASSUMED

Coordinates: N 31° 32' 33.0" W 90° 45' 36.0"

Maximum Effective Radiated Power 25.0 kW 13.98 dBk

Non-Directional Antenna

Antenna Radiation Center: 212.1 meters AMSL

Bear Deg True	AAT meters	HAAT meters	Ant Gain dB	ERP dBk	ERP kW	Distances to Contours	
						70 dBu (km)	60 dBu (km)
0.0	109.1	103.0	0.00	13.98	25.0	23.6	39.6
45.0	123.0	89.1	0.00	13.98	25.0	22.0	37.2
90.0	120.3	91.7	0.00	13.98	25.0	22.3	37.6
135.0	118.2	93.8	0.00	13.98	25.0	22.5	38.0
180.0	108.6	103.5	0.00	13.98	25.0	23.6	39.6
225.0	82.8	129.3	0.00	13.98	25.0	26.0	43.2
270.0	115.1	97.0	0.00	13.98	25.0	22.9	38.6
315.0	119.6	92.5	0.00	13.98	25.0	22.4	37.8
	-----	-----					
	112.1	100.0					

60 dBu Area : 4773 Square Kilometers
60 dBu population: 49,752 persons

DOUGLAS B. DELAWDER

Bude, Mississippi

I Douglas B. DeLawder, declare and state as follows:

That my qualifications are a matter of record with the Federal Communications commission;

That I am a Communications Consultant and, that I have either prepared or directly supervised the preparation of all technical information contained in the exhibit supporting a Rule Making request to allocate channel 282C3 to Bude, Mississippi;

That the facts stated in this Technical Exhibit are true of my knowledge, except as to such statements as are herein stated to be on information and belief, and as to such statements I believe them to be true.

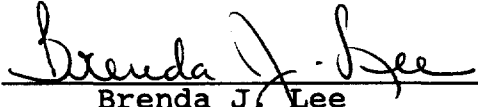
30 March 1994
Date

Douglas B. DeLawder
Douglas B. DeLawder

CERTIFICATE OF SERVICE

I, Brenda J. Lee, hereby certify that I have this 1st day of April, 1994, mailed a copy of the foregoing "Petition for Rulemaking/Counterproposal", via first class United States mail, postage prepaid, to the following:

Richard M. Riehl, Esq.
Haley, Bader & Potts
Suite 900
4350 North Fairfax Drive
Arlington, Virginia 22203-1633



Brenda J. Lee